

In the claims:

Please amend claims 8, 35, 36, 38, 39, 41, 42, and 44 as follows: (For the Examiner's convenience, all of the pending claims, whether or not amended, are reproduced below.)

D1 ¹/~~8~~. (Twice Amended) An isolated nucleic acid comprising the nucleotide sequence shown in [the Sequence Listing] SEQ ID NO:1 or a fragment of the nucleotide sequence shown in [the Sequence Listing] SEQ ID NO:1 which encodes an antigenic fragment of PM-1 protein.

²/~~9~~. The nucleic acid of claim ¹/~~8~~, which is cDNA.

D2 ³/~~35~~. (Amended) The nucleic acid of claim ¹/~~8~~ wherein the nucleotide sequence comprises the coding region of the nucleotide sequence shown in [the Sequence Listing] SEQ ID NO:1.

⁴/~~36~~. (Amended) The nucleic acid of claim ³/~~35~~, wherein the coding region comprises nucleotide 179 to nucleotide 1627 of the nucleotide sequence shown in [the Sequence Listing] SEQ ID NO:1.

⁵/~~37~~. A nucleic acid comprising a nucleotide sequence which is a functional equivalent of the nucleic acid of claim ²/~~9~~.

D3 ⁶/~~38~~. (Amended) The nucleic acid of claim ⁵/~~37~~, wherein the nucleotide sequence hybridizes to a nucleotide sequence which is complementary to the nucleotide sequence shown in [the Sequence Listing] SEQ ID NO:1.

D3 ⁷39. (Amended) An isolated nucleic acid comprising a nucleotide sequence which encodes the amino acid sequence shown in [the Sequence Listing] SEQ ID NO:1 or a nucleotide sequence which encodes an antigenic fragment of the amino acid sequence shown in [the Sequence Listing] SEQ ID NO:1.

⁸40. A nucleic acid comprising a nucleotide sequence which is a functional equivalent of the nucleic acid of claim ⁷39.

D4 ⁹41. (Amended) The nucleic acid of claim ⁸40, wherein the nucleotide sequence hybridizes to a nucleotide sequence which is complementary to the nucleotide sequence shown in [the Sequence Listing] SEQ ID NO:1.

¹⁰42. (Amended) The nucleic acid of claim ⁷39, wherein the antigenic fragment comprises at least one T cell epitope which is recognized by a T cell receptor specific for the PM-1 protein having an amino acid sequence shown in [the Sequence Listing] SEQ ID NO:1.

¹¹43. The nucleic acid of claim ¹⁰42, wherein the antigenic fragment comprises at least 7 amino acid residues.

D5 ¹²44. (Amended) The nucleic acid of claim ⁶38, which encodes an amino acid sequence shown in [the Sequence Listing] SEQ ID NO:1 which is modified by an amino acid substitution, deletion, or addition.

¹³
~~45.~~ A recombinant expression vector comprising the nucleic acid of claim ⁷~~8.~~

¹⁴
~~46.~~ A recombinant expression vector comprising the nucleic acid of claim ³~~35.~~

¹⁵
~~47.~~ A recombinant expression vector comprising the nucleic acid of claim ⁷~~39.~~

¹⁶
~~48.~~ A recombinant expression vector comprising the nucleic acid of claim ¹⁰~~42.~~

¹⁷
~~49.~~ A host cell transformed with the recombinant expression vector of claim ¹³~~45.~~

50. A host cell transformed with the recombinant expression vector of claim
of claim 46.

51. A host cell transformed with the recombinant expression vector of claim
of claim 47.

52. A host cell transformed with the recombinant expression vector of claim
of claim 48.

REMARKS

In a telephone conversation with Examiner Scheiner on June 12, 1996, Applicants provisionally elected, with traverse, to prosecute the invention of Group II, claims 8, 9, and 35-52, Applicants also elected the species of the full-length nucleic acid sequence with encodes PM-1. Applicants hereby affirm this election.

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¹⁸
~~50~~. (Amended) A host cell transformed with the recombinant expression vector [of claim] of claim ~~46~~¹⁴.

¹⁹
~~51~~. (Amended) A host cell transformed with the recombinant expression vector [of claim] of claim ~~47~~¹⁵.

²⁰
~~52~~. (Amended) A host cell transformed with the recombinant expression vector [of claim] of claim ~~48~~¹⁶.

REMARKS

Claims 8, 9 and 35-52 are pending in the application. Claims 50-52 have been amended. Any amendments to and/or cancellation of the claims should in no way be construed as an acquiescence to any of the objections and/or rejections of record. The amendments and/or cancellations are being made to expedite prosecution of the above-identified application. Applicants reserve the right to file the same or similar claims in this or another application. Claims 8, 9, 35, 37-41, 44-47 and 49-51 have been rejected under 35 USC §102(a).

Rejection of Claims 8, 9, 35-41, 44-47 and 49-51 under 35 USC §102(a)

Claims 8, 9, 35, 37-41, 44-47 and 49-51 were rejected under 35 USC §102(a) as being anticipated by *Pietropaolo et al.*, *Diabetes* 40:1A, abstract #2.

The Examiner states:

Pietropaolo et al. teach the PM-1 protein wherein an initial sequence shows a 252bp open reading frame coding for 84 amino acids without significant homologies to known sequences. *Pietropaolo et al.* failed to disclose the specific nucleotide sequence of their clone. However, a sequence is merely a characterization of the DNA and *Pietropaolo et al.* teach that DNA which inherently possesses the claimed sequence. The vector and host cell are also taught.